

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1352 - SB 1305**

March 30, 2011

**SUMMARY OF BILL:** Requires the Department of Education (DOE) to develop an age-appropriate program of integrated sex education that will replace the current family life curriculum. Defines integrated sex education as a comprehensive abstinence-centered educational program. Requires local education agencies (LEAs) in counties with pregnancy rates that exceed 19.5 per 1,000 females ages 15 to 17 to adopt and implement an integrated sex education curriculum. Failure to implement this curriculum shall result in the LEA's state funds being withheld. Requires adopting LEAs to conduct at least one public hearing and to notify parents 30 days prior to the start of this program. The LEA shall also hold one public hearing annually before each September. Authorizes parents to opt their student out of all or a portion of the integrated sex education curriculum. Prohibits LEAs from using the services of any individual or organization from outside the LEA that endorses sexual activity as an appropriate or acceptable behavior to assist in the teaching of the integrated sex education curriculum. Authorizes civil penalties up to \$500 if individuals or organizations who endorse sexual activity as appropriate or acceptable behavior are found to be assisting in the teaching of this curriculum. Parents may file a complaint with the director of schools to investigate these violations. Requires the Commissioner of Education to annually report on violation filings to the Chairs of the Education Committees of the General Assembly.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$1,510,500/One-Time**

**Increase Local Expenditures - \$43,141,300/One-Time\***

Assumptions:

- The DOE will convene a panel of experts for four two-day meetings to develop these policies. These experts will be compensated for time and travel and also travel from each Grand Division. Costs will include \$4,400 lodging (\$110 x 10 x 4) and per diem \$3,960 (\$49.50 per day x 8 days x 10 experts); and mileage \$2,129.
- Total increase in state expenditures for meetings will be \$10,489 (\$4,400 + \$3,960 + \$2,129).
- According to DOE, the department has spent \$1,500,000 to provide LEAs with the Michigan Model Comprehensive Health Education curriculum. This curriculum has been aligned to current curriculum standards. Prices for curriculum per grade level (per

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classroom) vary annually. It is assumed that DOE will increase one-time expenditures \$1,500,000 to revise curriculum and provide these materials to LEAs.

- The total increase in one-time state expenditures will be \$1,510,489 (\$10,489 + \$1,500,000).
- The current family life curriculum is taught in science and health courses in grades K-8, in biology and lifetime wellness in grades 9-12, and in physical education in grades K-12.
- Current law requires LEAs with pregnancy rates that exceed 19.5 per 1,000 females ages 15 to 17 to adopt and teach the family life curriculum; however, state standards require that this curriculum be taught in all LEAs. It is assumed that the integrated sex education program will be taught in all LEAs.
- According to DOE, the combined cost for textbooks in these subjects which was purchased for the 2009-10 (science textbook adoption year), 2010-11 school years was \$43,141,291.
- New textbooks for the integrated sex education program will be purchased for the 2011-12 school year. Textbooks will be bought outside of the normal textbook purchasing cycle and will be funded outside of the BEP. The one-time increase in local expenditures for new textbooks will be \$43,141,291.
- Costs for textbooks are purchased through the BEP on a cyclical basis and the subjects are staggered so that LEAs are not purchasing textbooks for each subject each year.

*\*Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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